

**Remarks/Arguments**

Claims 1-13 are pending in the application. Claims 1-13 are rejected. The drawings are objected to under 37 CFR 1.83(a). Claims 12-13 are objected to. Claims 1-10 and 12-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-2 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolard et al. (US 6,234,665 B1) (hereinafter Woolard). Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolard in view of Patterson et al. (US 4,430,251 A) (hereinafter Patterson) and Pullman (US 5,779,355 A) (hereinafter Pullman). Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolard in view of Taylor et al. (US 5,904,851 A) (hereinafter Taylor). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolard in view of Taylor, as disclosed above with respect to claim 6, and further in view of Keller et al (US 4,767,026 A) (hereinafter Keller). Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woolard in view of Russell et al. (US 20020057625 A1) (hereinafter Russell).

Claim 10 has been cancelled, and Claims 12 and 13 have been amended to address and obviate the objections thereto based upon informalities. Furthermore, claims 1 and 12 as well as claim 11 have been amended to clarify the claims in addressing and overcoming the rejections of the claims under 35 U.S.C. § 112, second paragraph, as well as providing proper antecedent basis. Support for the amendments can be found in line 1 of Page 4; lines 15 - 16 of Page 6; and lines 27 - 28 of Page 7 of

Applicant's Specification as well as the general disclosure of lines 16 - 22 of Page 7; lines 6 - 12 of Page 8 of Applicant's Specification in addition to the accompanying Figs. 1a and 1b. In addition, new claims 14-16 have been added. No new matter has been added. The remaining objections and rejections will be addressed in turn below.

#### The Objection to the Drawings

The drawings are objected to under 37 C.F.R. § 1.83(a) as failing to show each and every feature of the invention specified in claims 3, 4 and 10. As provided above, claim 10 has been cancelled, thereby rendering the objection to the drawings with respect thereto moot. Speaking specifically to claim 3, the Office Action indicates that with respect to the limitation "variable venturi", the manner and/or direction in which the venturi is variable must be shown as well as the components of the venturi and the manner in which the venturi is variable. (See 12/27/2010 Office Action, p. 2, ¶ 1). Applicant respectfully disagrees with and traverses the objection because the Figures show every feature of the variable venturi as specified in the claims, including all structural details of the variable venturi that are essential for a proper understanding of the disclosed invention. See MPEP § 608.02(d). Specifically, claim 3 requires, in part, "that the venturi is provided with a passage opening having variable dimensions." Figure 4 clearly labels and depicts the venturi, shown as reference numeral 52, having a passage opening with variable dimensions.

Addressing claim 4, the Office Action objects to the recitation of the "interchangeable housing" indicating that the components and the potential interchangeable alternatives are not shown and further inquires as to how the housing would be

changed if reference number 54 is the "housing." (See 12/27/2010 Office Action, p. 2, ¶ 1). Once again, Applicant respectfully disagrees with and traverses the objection because the Figures show every feature of the interchangeable housing as specified in the claims, including all structural details of the interchangeable housing that are essential for a proper understanding of the disclosed invention. See MPEP § 608.02(d). Specifically, claim 4 requires, in part, "that the venturi is provided with an interchangeable housing incorporating the passage opening." Figure 4 clearly labels and depicts the venturi, shown as reference numeral 52, housed within holder 54. Furthermore, the holder 54 and the venturi 52 therein are illustrated as being included in coupling 53 which is shown as the specific and separable section of feed conduit 43 by virtue of the un-labeled fasteners and lines identifying not only the boundaries of the holder 54 and venturi 52, but also the un-labeled fasteners which connect the holder 54 containing the venturi 52 to the feed conduit 43.

Based upon the foregoing, the Figures show every feature of the venturi and interchangeable housing as specified in the claims, including all structural details thereof that are essential for a proper understanding of the disclosed invention in compliance with 37 C.F.R. § 1.83(a), and thus Applicant respectfully requests that the objections be withdrawn.

The Rejection of Claim 4 under 35 U.S.C. § 112, Second Paragraph

Claim 4 has been rejected as failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention on the basis that it is not clear how one would change the housing as claimed in claim 4. Applicant respectfully disagrees. "Definiteness of claim language must be

analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." M.P.E.P. § 2173.02. Furthermore, "[i]n reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent." M.P.E.P. § 2173.02. Applicant respectfully asserts that based upon the disclosure of the holder 54 and the venturi 52 illustrated in Figure 4 as being included in coupling 53 which is shown as the specific and separable section of feed conduit 43 by virtue of the un-labeled fasteners and lines identifying not only the boundaries of the holder 54 and venturi 52, but also the un-labeled fasteners which connect the holder 54 containing the venturi 52 to the feed conduit 43, in addition to the accompanying disclosure of the interchangeable housing in Applicant's Specification, one of ordinary skill in the art would be apprised of and at the very least understand how to change the housing which holds Applicant's claimed venturi. Therefore, Applicant respectfully requests that the rejection be withdrawn.

The Rejection of Independent Claim 1 under 35 U.S.C. § 102(b)

Independent claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Woolard. Applicant cannot agree, because Woolard fails to disclose each and every limitation of Applicant's amended independent claim 1. Independent claim 1,

as amended, requires, in part, a "closing means for selectively closing the feed conduit between the pump and the processing unit and the return conduit between the pump and the liquid container" and a "supply means [which] is connected to and debouches on the return conduit and connects to the apparatus between the closing means in the feed conduit and the pump." Woolard does not disclose a supply means which is connected to and debouches on a return conduit which is connected to a feed conduit in between a closing means and a pump in the feed conduit. In contrast, Woolard discloses a tank 5 containing brine which is supplied to a jet pump 2 from pump 7 via pipe 8. (Woolard, col. 3, lines 43 - 44; Figs. 1 - 2). Furthermore, a soya flour storage hopper 3 is mounted above the intake 4 of jet pump 2 and the outlet 6 of jet pump 2 is also connected to storage tank 5 via a pipe 9 and valve 10, wherein valve 10, when opened, allows the slurry to be recirculated through the pipe therein and back into the storage tank 5. (See Woolard, col. 3, line 34 - col. 4, line 18; Figs. 1 - 2). However, Woolard contains no disclosure of soya flour storage hopper 3 which is connected to and debouches into the return conduit, or segment of pipe or conduit connecting the feed pipe 9 to storage tank 5, as required by Applicant's independent claim 1, as amended. Thus, because Woolard does not disclose a supply means which is connected to and debouches on a return conduit which is connected to a feed conduit in between a closing means and a pump in the feed conduit, Woolard cannot anticipate the claim and Applicant respectfully requests that the rejection be withdrawn. Furthermore, claims 2 - 9 depend upon and incorporate the limitations of amended independent claim 1, either directly or indirectly, and thus Applicant respectfully requests that the rejections of those claims be withdrawn at the

very least for the same reasons due to their dependence upon independent claim 1.

The Rejection of Independent Claim 11 under 35 U.S.C. § 102(b)

Independent claim 11 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Woolard. Applicant cannot agree, because Woolard fails to disclose each and every limitation of Applicant's amended independent claim 11. Independent claim 11, as amended, requires, in part, the step of "placing closing means in the feed conduit from between the pump to and the processing unit and in the return conduit between the pump and the liquid container wherein the return conduit is connected to a supply means which debouches into the return conduit." Woolard does not disclose a supply means which is connected to and debouches on a return conduit which is connected to a feed conduit in between a closing means and a pump in the feed conduit. In contrast, Woolard discloses a tank 5 containing brine which is supplied to a jet pump 2 from pump 7 via pipe 8. (Woolard, col. 3, lines 43 - 44; Figs. 1 - 2). Furthermore, a soya flour storage hopper 3 is mounted above the intake 4 of jet pump 2 and the outlet 6 of jet pump 2 is also connected to storage tank 5 via a pipe 9 and valve 10, wherein valve 10, when opened, allows the slurry to be recirculated through the pipe therein and back into the storage tank 5. (See Woolard, col. 3, line 34 - col. 4, line 18; Figs. 1 - 2). However, Woolard contains no disclosure of soya flour storage hopper 3 which is connected to and debouches into the return conduit, or segment of pipe or conduit connecting the feed pipe 9 to storage tank 5, as required by Applicant's independent claim 11, as amended. Thus, because Woolard does not disclose a supply means which is connected to and debouches on a return conduit which is

connected to a feed conduit in between a closing means and a pump in the feed conduit, Woolard cannot anticipate the claim and Applicant respectfully requests that the rejection be withdrawn.

The Rejection of Independent Claim 12 under 35 U.S.C. § 102(b)

Independent claim 12 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Woolard. Applicant cannot agree, because Woolard fails to disclose each and every limitation of Applicant's amended independent claim 12. Independent claim 12, as amended, requires, in part, "closing means for selectively closing the feed conduit between the pump and the processing unit and the return conduit between the pump and the liquid container" and a "supply means [which] is connected to and debouches on the return conduit and connects to the apparatus between the closing means in the feed conduit and the pump." Woolard does not disclose a supply means which is connected to and debouches on a return conduit which is connected to a feed conduit in between a closing means and a pump in the feed conduit. In contrast, Woolard discloses a tank 5 containing brine which is supplied to a jet pump 2 from pump 7 via pipe 8. (Woolard, col. 3, lines 43 - 44; Figs. 1 - 2). Furthermore, a soya flour storage hopper 3 is mounted above the intake 4 of jet pump 2 and the outlet 6 of jet pump 2 is also connected to storage tank 5 via a pipe 9 and valve 10, wherein valve 10, when opened, allows the slurry to be recirculated through the pipe therein and back into the storage tank 5. (See Woolard, col. 3, line 34 - col. 4, line 18; Figs. 1 - 2). However, Woolard contains no disclosure of soya flour storage hopper 3 which is connected to and debouches into the return conduit, or segment of pipe or conduit connecting the feed pipe 9 to storage tank 5,

as required by Applicant's independent claim 12, as amended. Thus, because Woolard does not disclose a supply means which is connected to and debouches on a return conduit which is connected to a feed conduit in between a closing means and a pump in the feed conduit, Woolard cannot anticipate the claim and Applicant respectfully requests that the rejection be withdrawn. Furthermore, claim 13 depends upon and incorporates the limitations of amended independent claim 12, and thus Applicant respectfully requests that the rejections of claim 13 be withdrawn at the very least for the same reasons due to its dependence upon independent claim 12.

#### CONCLUSION

Based upon the above, Applicant asserts that claims 1 - 9 and 11 - 13 are in a condition for allowance and respectfully requests the same.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley  
Reg. No. 45,253  
ZARLEY LAW FIRM, P.L.C  
Capital Square



400 Locust Street, Suite 200  
Des Moines, IA 50309-2350  
Phone No. (515) 558-0200  
Fax No. (515) 558-7790  
Customer No. 34082  
Attorneys of Record

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